

Village of Phoenix Regular Board Meeting
Tuesday, December 21, 2021 at 7:00 PM
Sweet Memorial Building, 455 Main Street, Phoenix, NY 13135

Present: Mayor Caleb Sweet
Trustee Danny Dunn
Trustee Paul Griser
Trustee Adam Mulderig
Trustee David Pendergast

Absent Chief Martin Nerber
Village Clerk Roxanne Demo
Administrator James Lynch
Attorney Jeffrey Schiano

0 Public in Attendance

Mayor Sweet began the Board Meeting with Pledge of Allegiance at 7:00 P.M.

Mayor and Trustee Comments

Mayor Sweet had nothing.
Trustee Pendergast had nothing.
Trustee Mulderig had nothing.
Trustee Griser had nothing.
Trustee Dunn had nothing.

Department Comments

Administrator Lynch said the DPW has been getting a lot of things ironed out with the equipment and it is all in good working order. Lynch said that he did reach out to the day care center, said the light is down all the way, he'll reach out again to see if the flood light can be tipped downward so it doesn't shine down on Rt. 57. There's a couple lights out at the pond that will be replaced. There was an offer put in at the building at 67 State Street. The DPW has been working on the declor building.

Attorney Schiano arrived at 7:25pm.

Attorney Comments

Attorney Schiano read the resolution calling for a special election on March 15, 2022.

RESOLUTION CALLING FOR A SPECIAL ELECTION AND DIRECTING THE VILLAGE CLERK TO PUBLISH NOTICE OF THE SPECIAL ELECTION TO BE HELD ON MARCH 15, 2022, FOR THE PUPOSE OF ELECTING THE VILLAGE OF PHOENIX MAYOR AND THE VILLAGE OF PHOENIX TRUSTEES

WHEREAS, the Village of Phoenix (hereinafter the "Village") passed Local Law 2 of the Year 2020 (hereinafter "Local Law 2"), subject to mandatory referendum, moving the Village election from March 15 to the first Tuesday following the first Monday in November (the general election date).

WHEREAS, after Local Law 2 was passed, the Village believed that the Oswego County Board of Elections would conduct the Village elections for Village mayor and two Village trustees on Tuesday, November 2, 2021 (the general election date).

WHEREAS, the Oswego County Board of Elections refused to conduct the Village elections on November 2, 2021, because the Village of Phoenix is not wholly contained within a single election district as required by Election Law Section 15-104(1)(c).

WHEREAS, the Village of Phoenix is covered by two election districts – Schroepfel 1 and Schroepfel 2, which include voters within the Village and outside of the Village and span the Village boundaries.

WHEREAS, the Village could not conduct its own Village elections on November 2, 2021, because only the Board of Elections has the authority to conduct an election on the first Tuesday following the first Monday in November (the general election date).

WHEREAS, Local Law 2 should be deemed invalid because it does not conform with the requirements of Election Law Section 15-104(1)(c).

WHEREAS, the November 2, 2021, election has passed, and the Village mayor and two Village trustees remain unelected holdover officers.

WHEREAS, the Village wishes to call a special election for the following Village offices, and for the following terms:

- Village Mayor, currently held by Caleb Sweet for a term of one (1) year.
- Village Trustee, currently held by Adam Mulderig for a term of one (1) year.
- Village Trustee, currently held by Danny Dunn for a term of one (1) year.
- Village Trustee, currently held by David Pendergast for a term of two (2) years.
- Village Trustee, currently held by Paul Griser for a term of two (2) years.

WHEREAS, the Village wishes to conduct the special election on March 15, 2022 at the Enterprise Fire Department located at 457 Main Street, Phoenix, NY 13135, between the hours of 12:00 pm and 9:00 pm.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Phoenix, in regular session, does hereby declare, authorize approve, and direct the Village Clerk to conduct a special election on March 15, 2022, at Enterprise Fire Department located at 457 Main Street, Phoenix, NY 13135, between the hours of 12:00 pm and 9:00 pm for the following offices and terms:

- Village Mayor, currently held by Caleb Sweet for a term of one (1) year.
- Village Trustee, currently held by Adam Mulderig for a term of one (1) year.
- Village Trustee, currently held by Danny Dunn for a term of one (1) year.
- Village Trustee, currently held by David Pendergast for a term of two (2) years.
- Village Trustee, currently held by Paul Griser for a term of two (2) years.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Board of Trustees of the Village of Phoenix, in regular session, does hereby approve and direct the Village Clerk to publish notice of the special election to be held on March 15, 2022, Enterprise Fire Department located at 457 Main Street, Phoenix, NY 13135, between the hours of 12:00 pm and 9:00 pm., in accordance with Village Law Section 16-1602.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Board of Trustees of the Village of Phoenix, in regular session, does hereby declare Local Law 2 of 2020 invalid.

BY ORDER OF THE BOARD OF TRUSTEES OF THE VILLAGE OF PHOENIX, NEW YORK.

Dated: December 21, 2021

Roxanne Demo
Village Clerk

Motion was made by Trustee Mulderig to approve the resolution, seconded by Trustee Dunn, Mayor Sweet aye, Trustee Pendergast aye, Trustee Griser aye. Motion carried.

The board had a discussion regarding the marijuana law and upcoming election.

Abstract

Abstract #20 dated December 21, 2021 in the amount of \$105,226.93. Trustee Pendergast made the motion to approve, general fund vouchers 621-662; water fund vouchers 623-660; sewer fund vouchers 627-660; library fund vouchers 142-148 and trust and agency fund vouchers 163-169, seconded by Trustee Mulderig, Trustee Pendergast aye, Mayor Sweet aye, Trustee Dunn abstained. Motion carried.

Motion was made by Trustee Griser to approve meeting minutes from December 7, 2021 seconded by Trustee Pendergast, Mayor Sweet aye, Trustee Mulderig aye, Trustee Dunn aye. Motion carried.

Motion was made by Trustee Griser to adjourn the meeting at 8:30pm, seconded by Trustee Mulderig, Mayor Sweet aye, Trustee Dunn aye. Motion carried.

Respectfully submitted,

Roxanne Demo
Village of Phoenix
Clerk/Treasurer